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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,418	09/30/2003	Nathanael F. Ehrich	RSW920030221US1	6181
43168 7590 01/18/2008 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742			EXAMINER PAULA, CESAR B	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 01/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

## Office Action Summary

**Application No.**

10/675,418

**Applicant(s)**

EHRICH ET AL.

**Examiner**

CESAR B. PAULA

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 7-10, 13, 14, 20, 26 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-10, 13-14, 20, 26, and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/6, 11/9/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on 11/9/2007.

**This action is made Final.**

2. In the amendment, claims 1, 7-10, 13-14, 20, 26, and 35 are pending in the case. Claims 1, 26-27, and 35 are independent claims.

3. The rejections of claims 1, 7-10, 13-15, 20, 26, 29-30, and 35 rejected under 35 U.S.C. 102(b) as being anticipated by Lemay et al, "Laura Lemay's Web Workshop JavaScript", Sams.net, 1996, chapters 10-11, have been withdrawn as necessitated by the amendment.

### ***Drawings***

4. The drawings filed on 9/30/2003, and 1/31/06 have been accepted by the Examiner.

### ***Information Disclosure Statement***

5. Thie IDSs submitted on 6/6, and 11/9/2007, have been entered, and considered (including the Logic code generator reference).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7-10, 13-15, 20, 26, 29-30, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemay et al, "Laura Lemay's Web Workshop JavaScript", Sams.net, 1996, chapters 10-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kontogouris (USPub. 2002/0082910, 6/27/2002).

Regarding independent claim 1, Lemay discloses browsing a web page over the web. The web page contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup— *receiving, at the client device from a server responsive to a request for a Web page, a markup language document corresponding to the requested that specifies a Web page wherein the Web page comprises a displayable content component; and the markup language document comprises syntax specifying, for the displayable content component, at least three alternative selectable versions thereof and conditions for selecting each of the alternative versions* (pages 227-228 ).

Moreover, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, it is determined how much

time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen-- *evaluating one or more factors to yield an evaluation result, wherein the one or more factors are determined from the specified conditions, using the evaluation result, at the client device, to select a particular one of the alternative selectable versions of the displayable content component from the syntax specifying the alternative selectable versions in the markup language document; and rendering the markup language document as the Web page on a display device coupled to the client device, wherein the selected version of the displayable content component is rendered as the displayable content component included therein.* Lemay fails to explicitly disclose *each of at least two of the at least three alternative selectable versions has a different media type.*

However, Kontogouris teaches the display of one or more banner ads containing any combination of text, graphics, video, sound and/or animation (0062). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a variety of ads in a web page to be rotated, because of all the reasons found in Kontogouris including increasing ad selection without decreasing revenues (0017, 0024-0026).

Regarding claim 7, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228). —*the syntax specifying the plurality of alternative selectable views are specified using a scripting language syntax --* (col. 11, lines 1-62, col.8, lines 16-34, fig.10-15).

Regarding claim 8, which depends on claim 1 Lemay discloses browsing a web page that contains markup code along with Javascript code to rotate 3 advertisement banners specified in the markup. The banners are children or listed under a head tag (page 227, parag.5-6, page 228).

Regarding claim 9, which depends on claim 1, Lemay discloses using multiple Javascript loops of code—*executable logic*-- to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228).

Regarding claim 10, which depends on claim 7, Lemay discloses using multiple Javascript loops of code —*logic*--to change the 3 banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, page 228).

Regarding claim 13, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, it is determined how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen.

Regarding claim 14, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated

in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228).

In other words, the browser software determines how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen.

Regarding claim 20, which depends on claim 1, Lemay discloses using multiple Javascript loops of code to change the banners to display different one. The banners are rotated in accordance to a time variable, in this case every five seconds (page 227, parag.5-6, page 228). In other words, the browser software determines how much time has elapsed, and if the time equals to the predetermined time as indicated in the code, then the current banner will be replaced with the next banner on the screen.

Claims 26, and 35 are directed towards a computer program product on a computer-readable medium for storing the steps found in claim 1, and therefore are similarly rejected.

### ***Response to Arguments***

8. Applicant's arguments filed 11/9/2007 have been fully considered but they are moot in light of the new grounds of rejection above. The Applicant submits that Lemay does not teach or suggests at least two of the three selectable versions are of a different media (pages 8-9). The Applicant is directed towards the rejection above of the newly added limitation in light of newly found prior art.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)

  
CESAR PAULA  
PRIMARY EXAMINER  
1/14/2008